

MAINE STATE LEGISLATURE

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*State Of Maine
122nd Legislature*

*First Regular Session and
First Special Session*

Bill Summaries

*Joint Standing Committee
on
Judiciary*

August 2005

Members:

Sen. Barry J. Hobbins, Chair

Sen. Lynn Bromley

Sen. David R. Hastings III

*Rep. Deborah L. Pelletier-Simpson,
Chair*

Rep. Sean Faircloth

Rep. Stan Gerzofsky

Rep. Marilyn E. Canavan

Rep. Mark E. Bryant

Rep. Michael Edward Dunn

Rep. Roger L. Sherman

Rep. Roderick W. Carr

Rep. Joan Bryant-Deschenes

Rep. Joan M. Nass

Rep. Donna M. Loring

Staff:

Margaret J. Reinsch, Senior Analyst

Office of Policy and Legal Analysis

13 State House Station

Augusta, ME 04333

(207) 287-1670



Maine State Legislature

OFFICE OF POLICY & LEGAL ANALYSIS

13 State House Station, Room 215 Cross State Office Building
Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing select committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills considered by the committees. It is organized by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

- CARRIED OVER Bill Carried Over to Second Regular Session
CON RES XXX..... Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES..... House & Senate disagree; bill died
DIED IN CONCURRENCE..... One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT..... Action incomplete when session ended; bill died
EMERGENCY..... Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE..... Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE..... Bill failed to get majority vote
FAILED MANDATE ENACTMENT..... Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY..... Ruled out of order by the presiding officers; bill died
INDEF PP..... Bill Indefinitely Postponed
ONTP..... Ought Not To Pass report accepted
OTP ND..... Committee report Ought To Pass In New Draft
OTP ND/NT..... Committee report Ought To Pass In New Draft/New Title
P&S XXX..... Chapter # of enacted Private & Special Law
PUBLIC XXX..... Chapter # of enacted Public Law
RESOLVE XXX..... Chapter # of finally passed Resolve
UNSIGNED..... Bill held by Governor
VETO SUSTAINED..... Legislature failed to override Governor's Veto

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

Joint Standing Committee on Judiciary

Public Law 2005, chapter 154 makes technical changes to the laws governing the appointment of personnel by the Attorney General to correct gender-specific language and remove archaic language.

LD 732 **An Act To Provide a Defense in Protection from Abuse Orders** **ONTP**

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|---|--|---------------------------------|--|---------------------------|
| <u>Sponsor(s)</u> SMITH W STRIMLING | | <u>Committee Report</u> ONTP | | <u>Amendments Adopted</u> |
|---|--|---------------------------------|--|---------------------------|

LD 732 proposed to provide as a defense to a violation of a protection from abuse order when nonphysical contact or communication is alleged that the plaintiff initiated the nonphysical contact or communication.

LD 771 **An Act To Protect Consumers' Use of Gift Cards** **ONTP**

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|---|--|---------------------------------|--|---------------------------|
| <u>Sponsor(s)</u> THOMPSON COWGER | | <u>Committee Report</u> ONTP | | <u>Amendments Adopted</u> |
|---|--|---------------------------------|--|---------------------------|

LD 771 proposed to prohibit an issuer of a gift card from charging dormancy charges or other fees prior to the date that the gift obligation is presumed abandoned; after that, any dormancy charges or fees imposed may not be unconscionable.

See also LD 1084.

LD 772 **An Act To Prohibit the Placement of Expiration Dates on Gift Cards** **ONTP**

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|-----------------------------|--|---------------------------------|--|---------------------------|
| <u>Sponsor(s)</u> MARLEY | | <u>Committee Report</u> ONTP | | <u>Amendments Adopted</u> |
|-----------------------------|--|---------------------------------|--|---------------------------|

LD 772 proposed to prohibit an issuer from placing an expiration date on a gift obligation.

See also LD 1084.

LD 780 **An Act To Allow a Landlord To Discover Whether Sewer and Water Bills Have Been Paid** **PUBLIC 306**

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|----------------------------|--|-----------------------------------|--|------------------------------------|
| <u>Sponsor(s)</u> GLYNN | | <u>Committee Report</u> OTP-AM | | <u>Amendments Adopted</u> H-539 |
|----------------------------|--|-----------------------------------|--|------------------------------------|

Joint Standing Committee on Judiciary

LD 780 proposed to provide that if a tenant is billed for water or sewer service to the property rented by the tenant and the property is subject to a lien to secure payment for that service, the landlord is entitled to information on the current status of the tenant's water or sewer service account, including any amounts due or overdue.

Committee Amendment "A" (H-539) proposed to clarify that a landlord or the landlord's agent may request account information before there is a lien against the property.

Enacted law summary

Public Law 2005, chapter 306 provides that if a tenant is billed for water or sewer service to the property rented by the tenant and the property may be subject to a lien to secure payment for that service, the landlord or the landlord's agent is entitled to information on the current status of the tenant's water or sewer service account, including any amounts due or overdue.

LD 816 **An Act To Prohibit Changing the Flow of Water on Another's Land** **CARRIED OVER**

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|------------------------------|--|-------------------------|--|---------------------------|
| <u>Sponsor(s)</u> ANDREWS | | <u>Committee Report</u> | | <u>Amendments Adopted</u> |
|------------------------------|--|-------------------------|--|---------------------------|

LD 816 proposed to classify as a nuisance the act of draining or reversing the direction of the water of a river, stream, pond or aquifer from its natural course or state to the injury or prejudice of others. Similar to the nuisance of unlawfully diverting water from its natural course, a person who is aggrieved by the unlawful draining or changing of the direction of water would be able to maintain a civil action against the person causing the nuisance.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 830 **An Act To Reduce the Duration of Nonpayment of Child Support That Triggers License Suspension** **ONTP**

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|-----------------------------|--|---------------------------------|--|---------------------------|
| <u>Sponsor(s)</u> KAELIN | | <u>Committee Report</u> ONTP | | <u>Amendments Adopted</u> |
|-----------------------------|--|---------------------------------|--|---------------------------|

LD 830 proposed to reduce from 60 days to 30 days the length of time after which the responsible parent may be served with an order to appear and disclose when the person owes \$500 or more in overdue child support.

LD 838 **An Act To Amend the Uniform Unclaimed Property Act As It Applies to Gift Cards** **ONTP**

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|-----------------------------|--|---------------------------------|--|---------------------------|
| <u>Sponsor(s)</u> TURNER | | <u>Committee Report</u> ONTP | | <u>Amendments Adopted</u> |
|-----------------------------|--|---------------------------------|--|---------------------------|